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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	09/803,256		MOORE ET AL.	
	Examiner		Art Unit	
	Dohm Chankong		2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1> This action is in response to Applicant's remarks, filed 12.12.2006. Claims 1-23 and 25-30 are presented for examination.

2> This is a non-final rejection.

Response to Arguments

3> Applicant's arguments with respect to claims 1-23 and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5> Claims 1, 3-7, 9-12, 15-18, 20-23, 25 and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski, U.S Patent No. 6,813,608, in view of Borgstahl et al, U.S Patent No. 6,487,180 ["Borgstahl"].

6> As to claim 1, Baranowski discloses a method for providing kiosk service offerings comprising:

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retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link medium [Figure 1 «items 122, 125, 127, 128, 130» | column 5 «lines 6-9» | column 8 «lines 6-26» where : the POS equipment and controller together correspond to a “kiosk”];

configuring said kiosk with a new purpose of providing applications for performing electronic services over short-range radio communications links to wireless devices in a network [column 2 «lines 7-14» | column 6 «lines 58-64» | column 8 «lines 27-50»];

maintaining a list of available electronic services for performing electronic services, wherein a portion of the available applications are stored locally within the kiosk [column 8 «lines 28-35» | column 12 «line 64» to column 13 «line 7» where : Baranowski discloses providing services, maps and other applications at the POS-equipment/controller] and wherein a different portion of the available applications are retrievable by the kiosk from an application service provider via the physical communications link [Figure 1 «items 125, 120, 122» | column 14 «lines 16-29» | column 17 «lines 57-64» where : different services are available through the kiosk accessing the web host]

establishing a short-range communications link with a wireless device in said network [column 2 «lines 38-45»];

receiving at the kiosk a request for particular ones of the available electronic services from the wireless device [column 13 «lines 25-39» : requesting subscription];

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retrieving selected applications for performing the requested electronic services [column 8 «lines 28-35»]; and

delivering said requested electronic services to said wireless device in said network over said short-range radio communications link by conveying a retrieved application that performs a requested electronic service by executing within said wireless device independently of said kiosk and other devices [column 8 «lines 28-35» | column 12 «line 64» to column 13 «line 7»].

Baranowski does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

7> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Baranowski to insure that connecting nodes (a wireless device and a POS equipment/controller for instance) have compatible protocols and can properly communicate with one another.

8> As to claim 3, Baranowski discloses the method of claim 1, wherein said kiosk was a single purpose kiosk before said retrofitting step, and wherein the kiosk has at least two purposes after the retrofitting step, one of the two purposes being said new purpose and another of the two purposes being an original purpose of the kiosk [Figure 1 | column 8 «lines

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6-27» where the POS equipment is configured to transmit over the wireless network and continues to perform its POS functions].

9> As to claim 4, Baranowski discloses the method of claim 1, wherein said existing physical communications link medium is selected from the group consisting of a telephone network communications link and a data communications link [column 11 «lines 45-51»].

10> As to claim 5, Baranowski discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing communications network comprises retrieving electronic messages from an electronic mail server communicatively linked to said kiosk over said existing physical communications link medium [column 14 «lines 43-52»].

11> As to claim 6, Baranowski discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing physical communications link medium comprises retrieving an application from an application service provider (ASP) communicatively linked to said kiosk over said existing physical communications link medium [column 14 «lines 14-52» where : the web host corresponds to an ASP].

12> As to claim 7, Baranowski discloses the method of claim 1, wherein said delivering step comprises: said kiosk delivering electronic mail to an electronic mail client in said wireless device [column 14 «lines 43-52»].

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13> As to claim 9, Baranowski discloses the method of claim 8, further comprising:
presenting within the wireless device a plurality of applications [column 12 «line 64»
to column 13 «line 14»]; and

said kiosk receiving a user-selection of one of the presented applications [column 2
«lines 55-58» | column 9 «lines 39-48»].

Baranowski does not explicitly disclose determining if said user-selected applications wholly reside in said kiosk. And while Baranowski does disclose delivering said user-selected applications to said wireless device in said PAN he does not disclose the step of if it is determined that said user-selected applications wholly reside in said kiosk, not retrieving said user-selected applications over said existing physical communications link medium.

14> In the same field of invention [abstract], Pittarelli discloses:

determining if said user-selected applications wholly reside in said kiosk [0038]; and,
if it is determined that said user-selected applications wholly reside in said kiosk, not retrieving said user-selected applications over said existing physical communications link medium [0038]. It would have been obvious to one of ordinary skill in the art to incorporate Pittarelli's kiosk storage capability into Baranowski's kiosk application delivery system. Specifically, one of ordinary skill in the art would have reasonably inferred that first checking the cache of the kiosk for selected applications before requesting the application from a remote server would have substantially improved Baranowski's kiosk services because it would have reduced unnecessarily connecting to the network to retrieve applications. One

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would have further expected success based on Baranowski's use of both the fixed position kiosk and the web host.

15> As to claim 10, Baranowski discloses the method of claim 9, further comprising; retrieving components not residing in said kiosk over said existing physical communications link medium [column 14 «lines 43-52»].

Baranowski is silent to determining in the components of said user-selected applications reside in said kiosk; and, delivering said components determined to reside in said kiosk.

16> In the same field of invention, Pittarelli discloses: determining if the components of said user-selected applications reside in said kiosk [Figure 7 | 0038]; and, delivering said components determined to reside in said kiosk [Figure 7 | 0038].

As specified in the rejection of claim 9, it would have been obvious to incorporate application caching functionality into Baranowski's kiosk as taught by Pittarelli. It would have been further obvious to one of ordinary skill in the art to determine if the application is already stored in the kiosk, and if it is to deliver the selected application from the kiosk, without needing to download it from the server. Such functionality would reduce the airtime charges of having the kiosk connect to a remote server.

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17> As to claim 11, as it does not teach or further define over the claimed limitations of claims 9 and 10, claim 11 is rejected for similar reasons set forth in the rejections of claims 9 and 10, *supra*.

18> As to claim 12, as it does not teach or further define over previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 1.

19> As to claim 15, as it does not teach or further define over previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 4.

20> As to claim 16, Baranowski discloses an application server [column 6 «lines 58-67»].

21> As to claim 17, Baranowski discloses the kiosk of claim 12, wherein said communications network is an Internet [column 11 «lines 45-51»].

22> As to claim 18, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claims 1 and 12.

23> As to claim 20, Baranowski discloses the method of claim 18, wherein said step of retrofitting the kiosk comprises retrofitting said kiosk so that the kiosk retains its original purpose while also performing said new purpose [Figure 1 | column 8 «lines 6-27»]; and wherein the step of configuring said kiosk comprises activating said retrofitted kiosk

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in said publicly traversable area [column 4 «lines 63-67»].

24> As to claims 21-23, Baranowski discloses the method of claim 1, wherein the kiosk functions as a wireless access point for accessing an Internet [column 18 «lines 57-65»].

25> As to claim 25, Baranowski discloses the wireless device includes input/output components configured as a user-interface for purposes related to the electronic services [Figures 13-15].

26> As to claim 30, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 1.

27> Claims 2, 13, 14, 19 and 26-29 are rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski and Borgstahl, in further view of Freeny, Jr., U.S Patent No. 6.490.443 [“Freeny”].

28> As to claim 2, Baranowski does not disclose utilizing Bluetooth. However Baranowski discusses utilizing wireless links between the wireless device and the kiosk [0055]. Freeny expressly discloses establishing a BLUETOOTH based communications link with said wireless device [column 38 «lines 25-32»]. It would have been obvious to one of ordinary skill in the art to incorporate Bluetooth technology into Baranowski to provide an additional

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means of establishing wireless connections and for the well known benefits that Bluetooth technology provides.

29> As to claims 13 and 19, as they do not teach or further define over previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claim 2.

30> As to claims 14 and 26-29, Baranowski does not disclose s gas station island, a ticketing booth or a toll booth.

31> Freeny discloses said kiosk is a public telephone [column 4 «line 60» to column 5 «line 9»], gas station island [column 2 «line 9»], a ticketing booth [column 4 «lines 41-53»], or a toll booth [column 4 «lines 41-53»]. It would have been obvious to one of ordinary skill in the art to incorporate Freeny's teaching into Baranowski to increase the functionality of Baranowski's system by enabling a wide variety of access points. This modification is consistent with Baranowski's goals of providing enhanced services as a variety of locations [column 4 «lines 46-49»].

32> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Baranowski and Borgstahl, in further view of Sutter, U.S Patent No. 6,577,720.

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33> As to claim 8, Baranowski does not specifically disclose the method wherein said retrieved application is retained within and remains executable by the wireless device even after said wireless device is disconnected from said PAN.

34> In the same field of invention [column 2 «lines 34-38» | column 4 «line 59» to column 5 «line 6»] Sutter discloses downloading an application where it is retained within and remains executable by the wireless device even after said wireless device is disconnected from said PAN [column 5 «lines 30-40» where: while Sutter does not explicitly state that the application (music, video) is retained, one of ordinary skill in the art would have reasonably inferred such a capability. Otherwise, Sutter's invention would require the wireless device to remain connected to the fixed location terminal to play the downloaded media. Such an expectation is counter intuitive to the benefits of utilizing the wireless device, and therefore, one of ordinary skill in the art would expect the music, video to be retained and remain executable even after leaving the PAN]. It would have been obvious to one of ordinary skill in the art to incorporate Sutter's music/video off-line capability into Baranowski to allow downloaded services and applications to be taken away from the fixed kiosk and utilized in the full capacity of the wireless device.

35> Claims 1-7, 12-15, 17, 18, 20-23, 25, 26 and 30 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kolls, U.S Patent No. 6.601.040, in view of Borgstahl et al, U.S Patent No. 6.487.180 ["Borgstahl"], in further view of Pittarelli, U.S Patent Publication No. 2003|0061271.

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36> As to claim 1, Kolls discloses a method for providing kiosk service offerings comprising:

retrofitting an existing, publicly-located and fixed positioned kiosk with a wireless transceiver, wherein said kiosk previously lacked wireless communication capabilities, yet wherein said kiosk was previously configured to communicate over an existing physical communications link medium [Figure 3E | Figure 4 | column 9 «lines 28-36»];

configuring said kiosk with a new purpose of providing applications for performing electronic services over short-range radio communications links to wireless devices in a network [Figure 3E | Figure 4 | column 9 «lines 37-52»];

establishing a short-range communications link with a wireless device in said network [column 9 «line 64» to column 10 «line 11» | column 49 «lines 37-53»];

receiving at the kiosk a request for particular ones of the available electronic services from the wireless device [column 2 «lines 47-52» | column 18 «lines 15-39» | claims 1, 2, 18];

retrieving selected applications for performing the requested electronic services [column 4 «lines 15-21» | column 5 «lines 48-55» : “effectuates the delivery...of the service” | column 7 «lines 31-36»]; and

delivering said requested electronic services to said wireless device in said network over said short-range radio communications link by conveying a retrieved application that performs a requested electronic service by executing within said wireless device independently of said kiosk and other devices [column 4 «lines 15-21» | column 5 «lines 48-55» : “effectuates the delivery...of the service” | column 7 «lines 31-36»].

Kolls discloses maintaining a list of available electronic services provided by the kiosk [column 6 «lines 38-40»] but does not explicitly disclose that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link.

Kolls also does not explicitly disclose that the wireless devices operate over a personal area network (PAN).

37> In the same field of invention, Borgstahl discloses utilizing a PAN as a communications network between wireless devices and a kiosk [abstract | column 3 «lines 35-45»]. It would have been obvious to one of ordinary skill in the art to incorporate Borgstahl's personal area network functionality into Kolls to insure that connecting nodes (a wireless device and a pay phone for instance) have compatible protocols and can properly communicate with one another.

38> Pittarelli discloses that a portion of the available services are stored locally within the kiosk, and wherein a different portion of the available services are retrievable by the kiosk from an application service provider via the physical communication link [Figure 7 «items 126, 128, 32» | 0036, 0037, 0038]. It would have been obvious to modify Spitzer's kiosk with the "cache" functionality provided by Pittarelli. Such an implementation is well known in the art so that requested services can be delivered more quickly to users when they are already located on the kiosk.

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39> As to claim 2, Kolls discloses establishing a Bluetooth-based communication link with said wireless device [column 14 «lines 50-56»].

40> As to claim 3, Kolls discloses the method of claim 1, wherein said kiosk was a single purpose kiosk before said retrofitting step, and wherein the kiosk has at least two purposes after the retrofitting step, one of the two purposes being said new purpose and another of the two purposes being an original purpose of the kiosk [Figure 3E where : the payphone enables wireless connection to the internet and still is able to function as a payphone].

41> As to claim 4, Kolls discloses the method of claim 1, wherein said existing physical communications link medium is selected from the group consisting of a telephone network communications link and a data communications link [Figure 4A | column 11 «lines 37-49» | column 15 «lines 21-30»].

42> As to claim 5, Kolls discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing communications network comprises retrieving electronic messages from an electronic mail server communicatively linked to said kiosk over said existing physical communications link medium [column 3 «lines 48-60» | column 4 «lines 15-26» where: Kolls does not explicitly disclose an email server, he does disclose retrieving email. An email server is inherent to such a service and would be necessary for Kolls' service to be successful implemented].

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43> As to claim 6, Kolls discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing physical communications link medium comprises retrieving an application from an application service provider (ASP) communicatively linked to said kiosk over said existing physical communications link medium [column 4 «lines 11-26» | claim 18 where: while Kolls does not explicitly disclose an ASP, such a provider would be inherent to Spitzer's delivery of the content and services].

44> As to claim 7, Kolls discloses the method of claim 1, wherein said delivering step comprises: said kiosk delivering electronic mail to an electronic mail client in said wireless device [column 3 «lines 48-60» | column 4 «lines 15-26»].

45> As to claim 12, as it does not teach or further define over previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 1.

46> As to claims 13 and 19, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claim 2.

47> As to claim 14, Kolls discloses a public telephone [Figure 3E].

48> As to claim 15, as it does not teach or further define over previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 4.

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49> As to claim 17, Kolls discloses an internet [column 49 «lines 37-53»].

50> As to claim 18, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claims 1 and 12.

51> As to claim 20, Kolls discloses the method of claim 18, wherein said step of retrofitting the kiosk comprises retrofitting said kiosk so that the kiosk retains its original purpose while also performing said new purpose [Figure 3E]; and

wherein the step of configuring said kiosk comprises activating said retrofitted kiosk in said publicly traversable area [Figure 3E].

52> As to claims 21-23, Kolls discloses the method of claim 1, wherein the kiosk functions as a wireless access point for accessing an Internet [column 49 «lines 37-53»8].

53> As to claim 25, Kolls discloses the wireless device includes input/output components configured as a user-interface for purposes related to the electronic services [Figures 3G, 3H].

54> As to claim 26, Kolls discloses that the existing, single purpose, publicly-located, and fixed positioned kiosk is a payphone [Figure 3E].

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55> As to claim 30, as it does not teach or further define over the previously claimed limitations, it is similarly rejected for at least the same reasons set forth for claim 1.

56> Claim 12 is rejected under 35 U.S.C §103(a) as being unpatentable over Kolls, Borgstahl and Pittarelli, in further view of Kolls, U.S Patent No. 6.601.039 ["Kolls(2)"].

57> Kolls does not expressly disclose a gas station island. However, Kolls(2) discloses that the invention taught in Kolls can be extended to a variety of fixed kiosks, like a gas station island [see Kolls(2), Figure 3H].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jansen et al, U.S Patent No. 6.243.450;

Atkinson, U.S Patent Publication No. 2001|0039571;

Stevens, U.S Patent No. 6.327.570;

Kolls, U.S Patent No. 6.606.602.

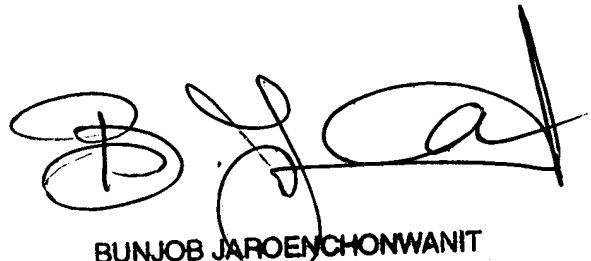
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



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SUPERVISORY PATENT EXAMINER